

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA	:	CIVIL ACTION NO. 3-06-CV-1792-O
ex rel. MICHAEL J. DEKORT, <i>et al.</i>	:	
	:	
Plaintiff	:	Judge Reed C. O'Connor
	:	
v.	:	Magistrate Judge Paul D. Stickney
	:	
INTEGRATED COAST GUARD	:	
SYSTEMS, A JOINT VENTURE, <i>et al.</i>	:	
	:	
Defendants.	:	

**RELATOR DEKORT'S OBJECTIONS TO
DEFENDANT ICGS' PRETRIAL DISCLOSURES**

In accordance with this Court's scheduling order entered October 5, 2009 (Doc. 110) and Fed. R. Civ. P. 26(a)(3)(B), Relator Michael DeKort submits the following objections to the pretrial disclosures of Defendant ICGS.

A. Witnesses

1. Objections to witnesses disclosed under Fed. R. Civ. P. 26(a)(3)(A)(i)

In view of the fact that the following witnesses were not previously disclosed by any party in Rule 26(a)(1) Initial or Supplemental Disclosures and were not deposed in this matter, Relator DeKort objects to any Defendant calling to testify at trial any of the following witnesses disclosed by Defendants for the first time in their pretrial disclosures filed September 15, 2010: Donna Harris, Daniel McLaughlin, John Phillips, Ken Reeve, or Evan Scott.

2. Objections to Deposition Designations

Relator DeKort's objections to the deposition designations made by Defendant ICGS are identified in the attached Exhibit ICGS1. Although that list may identify objections to certain testimony based on Fed. R. Evid. 402 and 403, in accord with Fed. R. Civ. P. 26(a)(3)(B) and ¶ 7 of this Court's scheduling order (Doc. 110), Relator DeKort reserves the right to object to any deposition testimony offered at trial pursuant to Fed. R. Evid. 402 and 403. Relator reserves

the right to withdraw any of his objections and to introduce any testimony designated by any Defendant. Relator DeKort also notes that to the extent any of his specific objections are sustained, the remaining portions of Defendant's designations are subject to exclusion due to lack of foundation.

Pursuant to Fed. R. Civ. P. 32(a)(6), Relator DeKort has also provided cross-designations of testimony that, in fairness, should be admitted at the same time if Defendant ICGS is permitted to introduce the portions of the deposition testimony that it has designated. Those cross-designations are attached as Exhibit ICGS2. Relator DeKort also designates its initial designations of deposition testimony filed September 15, 2010 (Exhibit A to Doc. 351) as cross-designations and those filed today in response to Lockheed Martin's (Exhibit LM2) and Northrop Grumman's designations (Exhibit NG2) and reserves the right to offer those cross-designations pursuant to Fed. R. Civ. P. 32 (a)(6).

B. Objections to Exhibits

Relator DeKort reserves the right to object to each and every exhibit that any Defendant is unable to properly authenticate at trial. Relator DeKort's additional objections to Defendant ICGS' exhibits are stated in the attached Exhibit ICGS3. Although that list may identify objections based on Fed. R. Evid. 402 and 403, in accord with Fed. R. Civ. P. 26(a)(3)(B) and ¶ 7 of this Court's scheduling order (Doc. 110), Relator DeKort reserves the right to object to any exhibits at trial pursuant to Fed. R. Evid. 402 and 403. Relator DeKort reserves the right to withdraw any of his objections and to introduce any exhibits listed by any Defendant. Finally, because Relator DeKort has not yet been afforded an opportunity to view any of these exhibits, Relator also reserves the right to make any appropriate objections to such exhibits when they are produced for Relator's inspection that Relator is unable to lodge without such a review.

Respectfully submitted,

/s/ James B. Helmer, Jr.

James B. Helmer Jr. (*pro hac vice*)

Robert M. Rice (*pro hac vice*)

Julie W. Popham (*pro hac vice*)

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CERTIFICATE OF SERVICE

On this date, September 29, 2010, I electronically submitted the foregoing Relator DeKort's Objections to Defendant ICGS' Pretrial Disclosures with the clerk of the United States District Court for the Northern District of Texas pursuant to the electronic filing system of the court.

/s/ James B. Helmer, Jr.
James B. Helmer, Jr